

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ELAINE LEVINS and WILLIAM
LEVINS, *on behalf of themselves and
those similarly situated,*

Plaintiff,

vs.

HEALTHCARE REVENUE
RECOVERY GROUP, d/b/a ARS
ACCOUNT RESOLUTION SERVICES;
and JOHN and JANE DOES 1 to 25,

Defendants.

Case No. 1:17-cv-00928-CPO-MJS

**DECLARATION OF ELAINE
LEVINS IN SUPPORT OF
MOTION FOR CLASS
CERTIFICATION**

I, **ELAINE LEVINS**, being of full age, declares as follow:

1. I am the Plaintiff and proposed class representative in the above-captioned matter. I am over 18 years of age and I have personal firsthand knowledge of the facts contained herein. If called upon to do so, I could and would competently and truthfully testify to the same under oath.

2. During the time period from February 12, 2016 to March 12, 2017, I received several pre-recorded telephonic voice messages which stated,

ARS calling. Please return our call at 1-800-694-3048.
ARS is a debt collector. This is an attempt to collect a debt.
Any information obtained will be used for that purpose.
Again, our number is 1-800-694-3048. Visit us at
www.arspayment.com.

3. I know they were pre-recorded because each message sounds identical to the other ones.

4. I subsequently came to understand that each of the messages was left by Defendant Healthcare Revenue Recovery Group or HRRG.

5. I understand my class action lawsuit alleges Defendant violated a federal law known as the Fair Debt Collection Practices Act (15 U.S.C. § 1692 *et seq.*), which prohibits debt collectors like Defendant from not using their true name when leaving voicemail messages.

6. I understand that a class action is a lawsuit brought by at least one person (in this case, me and my husband, William Levins) on behalf of a group of people who have been treated in the same manner. Here, that similar manner includes that they received the same pre-recorded voice mail message.

7. I have been, and I remain, willing and able to serve as a representative of the class. To that end, I understand:

- a. That as a class representative I have the responsibility to see that my lawyers prosecute the case on behalf of the entire Class;
- b. I and my husband have already sat for depositions in this matter and provided documents and information for use in our case, and I am willing and able to testify at trial if needed;

- c. That my lawsuit cannot be dropped or settled without protecting the Class members, which normally means that the other members of the Class must receive notice of any settlement and afforded a fair opportunity to exclude themselves from the case; and
- d. That the Court must approve any settlement or disposition on behalf of the Class alleged in my Complaint (or that is ultimately approved by the Court).

8. I retained my attorneys and have arranged for them to advance all costs related to this action, including the cost of class notification. I have been actively involved in this litigation since it was filed; I have stayed in active communication with my lawyers about all aspects of my case and followed their advice.

9. I support my attorneys' request to be confirmed as class counsel for purposes of this action.

10. I am unaware of any legal differences in my status as a Class Member from the other Class Members, nor of any unique factual issues pertaining to such representative status which must be litigated. To my knowledge, I have no interests which are or would be in conflict with those of the other Class Members.

11. The claims which I have asserted arising in the Complaint seem to be the same as the claims of the other class members.

12. I have not been promised or guaranteed money for serving as the class representative.

13. I understand the obligations for serving as class representative including that I have and will continue to represent the interests of the class with the advise of my attorneys.

14. I am unaware of any interests antagonistic to the class.

15. I am not employed by or related to my attorneys at the Kim Law Firm LLC. My attorneys will be paid as directed by the Court, if the case is successful, out of Defendant's assets and/or the funds recovered for the class.

In accordance with 28 U.S.C. § 1746, I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 2, 2022.



ELAINE LEVINS